

### **REMARKS**

In the outstanding Office Action, claims 1, 3, 4, 11, 13, 14, and 16-19 were rejected under 35 U.S.C. § 102(b) and claims 2, 5-10, 20-45 were rejected under 35 U.S.C. § 103(a).

In the present Response, claims 1, 20, 30, and 38 have been amended. No new matter has been added by these amendments. Support for the amendments can be found throughout the specification and the claims as filed.

Claims 12, 15, and 46-48 were previously cancelled. Claims 1-11, 13-14, and 16-45 are currently pending.

#### **§ 102 Rejections**

Claims 1, 3, 4, 11, 13, 14 and 16-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,434,775 ("Sims"). Applicants respectfully disagree.

#### **Claim 1 Is Not Anticipated by Sims**

As amended, claim 1 is directed to a system for managing a plurality of assets "wherein the physical condition of each of the plurality of assets is not determined based on the physical location of the asset."

Sims fails to teach or suggest the invention of claim 1. Instead, Sims discloses a technique for tracking the locations of a plurality of devices that relies on a network of communication links, "each of which corresponds to a location." That is, the device tracking, including any physical condition of the device that is tracked, is based solely on the physical location of the device. Sims discloses "a network of communication links each of which corresponds to a location," and each device to be tracked is given a tag and "each tag that is connected to each communication link is detected, and the *location of each device is determined based on the detection.*" See Sims, col. 1, ll. 58-66. Thus, the communication link to which the device is connected is determined based on the location of the device and that is how the location of the device is tracked.

Further, the condition of any device is *also* tied to a communication link and thus is tied to the location of the device. As disclosed in Sims, "[i]t is particularly useful in this system configuration to assign at least some of the set of communication links of each node to a single location (such as a storeroom). Each such communication link is further assigned to a device condition. One or more of the links can be *assigned to the same condition.*" See Sims, col. 2, l.

68 – col. 3, l. 5. For example, Fig. 1 in Sims shows conditions of “ready,” “needs cleaning,” and “needs repair” that are physically tied to specific areas (physical locations) in a storeroom. In fact, the only way to track a device condition in Sims is by the physical location of the device. Thus, Sims discloses a system wherein the physical condition of each device is determined based on the physical location of the device. As such, Sims does not teach or suggest the invention of claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

*Claims Depending from Claim 1 Are Not Anticipated by Sims*

Because claims 2-11, 13-14, and 16-19 depend directly or indirectly from claim 1 and incorporate all the limitations of claim 1, the above argument obviates the basis for these grounds of rejection. Thus, claims 2-11, 13-14, and 16-19 are not anticipated by Sims. Reconsideration and withdrawal of the rejections are respectfully requested.

**§ 103 Rejections**

Claims 2, 5-10 and 20-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sims in view of an article written by Karen Dilger (Dilger, Karen Abramic, “Asset management, maintenance redefined,” Manufacturing Systems, vol. 15 no. 7, pp. 122-128, July 1997) (“Dilger”) and/or U.S. Patent 5,918,207 (“McGovern”). Applicants disagree.

*Independent Claims 1, 20, 30, and 38 Are Not Unpatentable Over Sims in view of Dilger and/or McGovern*

As discussed above with respect to claim 1, each of claims 1, 20, 30, and 38, as amended, are directed to separate inventions wherein the physical condition of each asset is not determined based on the physical location of the asset.

As also discussed above, Sims fails to teach or suggest a system wherein the physical condition of each asset is not determined based on the physical location of the asset. Instead, the device tracking in Sims, including any physical condition of the device that is tracked, is based solely on the physical location of the device. As such, Sims does not teach or suggest the invention of claims 1, 20, 30, or 38.

Dilger fails to remedy the deficiencies of Sims. That is, Dilger fails to teach or suggest a system or method wherein the physical condition of each asset is not determined based on the physical location of the asset. In fact, Dilger is relied upon in the Office Action solely for assertedly disclosing use of the Internet, access to a system using web browsing techniques in order to allow users to access the system from anywhere, and receiving a service request at a

website for an asset. Further, as discussed in Applicants' May 10, 2006 Response, Dilger does not teach or suggest an asset management system for managing a plurality of assets of one or more enterprises. Dilger merely discloses tidbits of information regarding specific companies and their plant maintenance systems. In fact, Dilger fails to describe any system with sufficient clarity and detail for one of ordinary skill in the art to establish the subject matter as claimed in the pending claims. Nowhere does Dilger teach or suggest a system wherein the physical condition of each asset is not determined based on the physical location of the asset.

McGovern also fails to remedy the deficiencies of Sims. That is, McGovern fails to teach or suggest a system or method wherein the physical condition of each asset is not determined based on the physical location of the asset. In fact, as discussed in Applicants' May 10, 2006 Response, McGovern merely discloses a system for selecting and training candidate employees for temporary or permanent employment at a customer's facilities. That is, McGovern is clearly a system and method for job placement. Nowhere does McGovern teach or suggest a system wherein the physical condition of each asset is not determined based on the physical location of the asset.

Thus, none of Sims, Dilger, or McGovern, alone or in combination, teach or suggest the inventions of claims 1, 20, 30, or 38. That is, none of Sims, Dilger, or McGovern or any combination thereof teaches or suggests a system wherein the physical condition of each asset is not determined based on the physical location of the asset. Reconsideration and withdrawal of the rejections are respectfully requested.

*Claims Depending from Claims 1, 20, 30, and 38 Are Patentable*

Because claims 2-11, 13-14, 16-19, 21-29, 31-37, and 39-45 depend directly or indirectly from claims 1, 20, 30, or 38 and incorporate all the limitations of those claims, the above arguments obviate the bases for these grounds of rejection. Thus, claims 2-11, 13-14, 16-19, 21-29, 31-37, and 39-45 are not unpatentable over Sims in view of Dilger and/or McGovern. Reconsideration and withdrawal of the rejections are respectfully requested.

**CONCLUSION**

Applicants respectfully submit that claims 1-11, 13-14 and 16-45 are in condition for allowance. Reconsideration and a Notice of Allowance for all pending claims are respectfully requested.

This Response is being submitted on or before November 17, 2006, with a Petition for a One-Month Extension of Time, and the required fees, making this a timely response. It is believed that no additional claim fees are due in connection with this filing. However, the Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, associated with this paper to Deposit Account No. 04-1420.

Respectfully submitted,

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